



## RULE CHANGE NOTICE

**Changes to the state's rules regarding Mandatory Alcohol Server Training (MAST) will go into effect September 25, 2004.** Please see the attached revised rules. Following is a summary of the changes.

If you have any questions, please contact Deb Glidden, MAST Program Coordinator, at 360-664-1727 or [dq@liq.wa.gov](mailto:dq@liq.wa.gov).

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### Background

State law requires servers, bartenders, and managers who work in restaurants, taverns, private clubs, and sports/entertainment facilities to attend a class and receive a Mandatory Alcohol Server Training (MAST) permit. The Liquor Control Board must approve and certify the curriculum of companies and persons who provide MAST training.

### Description of Changes

In addition to technical changes for clarity, the following changes will take effect September 25, 2004:

- **Standardized exam.** State law requires the MAST curriculum to include an exam. The rule was changed to require MAST providers to use a standardized exam provided by the Liquor Control Board. Trainers may use existing, Board-approved exams until January 1, 2005. With prior approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.
- **Stand-alone videotape training will be prohibited for the Class 12 Permit** (stand-alone video training is currently prohibited for the Class 13 Permit). Trainers may use a video or audio-visual presentation, but it must be in conjunction with facilitation by an authorized provider or trainer.
- **New trainers must attend their MAST Provider's train-the-trainer program, or attend a Liquor Control Board briefing on liquor laws and rules.** This requirement will only apply to trainers who apply for certification after the effective date of the rule changes. MAST providers must have their train-the-trainer programs approved by the Liquor Control Board. Liquor Control Board briefings are provided free of charge at liquor enforcement offices throughout the state (please see the agency's web site or a listing of local enforcement offices and briefing schedules: [http://www.liq.wa.gov/enforcement/licensee\\_briefing.asp](http://www.liq.wa.gov/enforcement/licensee_briefing.asp)).
- **Consideration of past suspensions:** When a provider or trainer applies for certification, the Liquor Control Board will be allowed to consider if a trainer or provider's certification has been suspended or revoked in Washington or another state in the last five years.

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AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-020 How long are the permits good for, and how does a permit holder renew?** (1) Class 12 mixologist and Class 13 server permits are valid for five years. The permits expire on the first day of the month, five years following the month the person successfully completed the alcohol server education course.

(2) In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider prior to the expiration of the permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit?** All licensees who hold a license to sell liquor for on-premises consumption must ensure that any person that engages in the sale or service of liquor, or who supervises such activities, has a current and valid Class 12 mixologist or Class 13 server permit within sixty days of the date of hire. See RCW 66.20.310(7) for exceptions for grocery stores that have an on-premises liquor license.

(1) The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in ((~~RCW 66.16.040~~)) WAC 314-11-025).

(2) Per WAC ((~~314-16-070(1)~~)) 314-11-040, a person twenty-one years of age or older must be on the licensed premises to supervise the sale, service, and consumption of liquor.

(3) The permit is the sole property of the permit holder.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider?** An individual, partnership, corporation, college, educational institute, or other

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bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.

(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:

- (a) A completed application form provided by the board;
- (b) A copy of the proposed curriculum (see WAC 314-17-060);
- (c) A copy of all audio, video, and instructional materials that will be used in the course;
- (d) A copy of all printed materials that will be provided to participants as part of the course; and
- (e) ~~((A copy of the examination(s) and))~~ An explanation of the examination procedures necessary to pass the course.

(2) The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material. The board will either:

- (a) Issue a letter of certification which will be valid for five years, or
- (b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.

(3) (a) Upon certification of the program, the board will provide the standardized exam to be used for all training conducted. Trainers may use existing, board-approved exams until January 1, 2005.

(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.

~~((+3+))~~ (4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.

~~((+4+))~~ (5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation ~~((which))~~ that has been certified by the board.

(6) Providers who wish to renew their program must submit a complete program to the board's mandatory alcohol server training

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program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.

(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

### **WAC 314-17-055 Temporary certification as a provider. (1)**

Persons or entities may apply for temporary certification by the board to become a Class 12 mixologist and/or a Class 13 server permit provider. Temporary certification may be issued by the board for up to six months. During this time period, the provider may adjust their course content or method of presentation without prior board approval, within the guidelines set by the board's licensing and regulation division in the temporary certification.

(2) In order to get a course certified, the proposed provider must submit the information outlined in WAC 314-17-050(1).

(3) The board's licensing and regulation division will evaluate the program to see if it meets the minimum standards set by RCW 66.20.300 through 66.20.350, and will respond to the request for temporary certification within forty-five days of receipt of the material. The board will either:

(a) Issue a letter of temporary certification which will be valid for up to six months, or

(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for temporary certification will be withdrawn.

(4)(a) Upon temporary certification of the program, the board will provide the standardized exam to be used for all training conducted. Trainers may use existing, board-approved exams until January 1, 2005.

(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on

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the standardized exam are not altered and are left in the same order.

~~((4))~~ (5) The board or its designee may attend any class provided by certified providers and their trainers at no charge in order to evaluate the course for conformance with this title. If, in the opinion of the board or their designee, the provider does not comply with the lesson plan submitted and approved or any of the requirements of this title, the temporary certification may be immediately revoked.

~~((5))~~ (6) If permanent certification is not obtained during the six-month temporary certification period, at the end of the temporary certification period, the provider must return the following materials to the board's licensing and regulation division:

- (a) The original letter of board certification,
- (b) Any Class 12 mixologist and/or Class 13 server permit forms, and
- (c) Records of all permits issued during the temporary certification period.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?**

(1) Requirements for a Class 12 mixologist permit course	<p>(a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation <del>((("video" includes via videotape or via computer, including Internet applications and CD-ROMS))</del>) <u>together with facilitation by an authorized provider or trainer.</u></p> <p>(b) In addition to meeting the requirements of RCW 66.20.320(1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"><li>(i) recognizing and dealing with intoxicated persons,</li><li>(ii) how to check identification,</li><li>(iii) employment of persons under twenty-one</li></ul>
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	<p>years of age,</p> <p>(iv) legal hours of liquor sale and service,</p> <p>(v) prohibited conduct by patrons and employees,</p> <p>(vi) required signs in liquor licensed establishments,</p> <p>(vii) minimum lighting requirements, and</p> <p>(viii) administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.</p>
<p>(2) Requirements for a Class 13 server permit course</p>	<p>(a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video (<del>((“video” includes via video tape or via computer, including Internet applications and CD-ROMS)))</del>).</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320(1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <p>(i) recognizing and dealing with intoxicated persons,</p> <p>(ii) how to check identification,</p> <p>(iii) employment of persons under twenty-one years of age,</p> <p>(iv) legal hours of liquor sale and service,</p> <p>(v) prohibited conduct by patrons and employees, and</p> <p>(vi) administrative and criminal sanctions against licensees and Class 13 server permit holders.</p>

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<p>(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses</p>	<p>(a) At the beginning of each class, the trainer must give each student:</p> <p>(i) an enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment;</p> <p>(ii) a statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and</p> <p>(iii) a notice that students must complete the course in order to take the exam.</p> <p>(b) Students must complete the written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections <u>(1) and (2)</u> (<del>(and (3))</del>) of this rule. During the examination, trainees may not (<del>(to)</del>) refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter).</p> <p>(c) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.</p>
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AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-065 How does a provider receive certification for its trainers?** (1) To receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.

(2) The provider will only contract with trainers who:

(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following

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fields, or equivalent years of experience:

- (i) Training;
- (ii) Education;
- (iii) Law;
- (iv) Law enforcement;
- (v) Substance abuse rehabilitation; and/or
- (vi) Hospitality industry.
- (b) Hold a Class 12 mixologist permit; and
- (c) Meet the criminal history requirements outlined in WAC 314-

17-070.

(3) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.

(4) Prior to receiving certification, the applicant trainer must attend either:

(a) A board-approved train-the-trainer course provided by the MAST provider; or

(b) A briefing conducted by a liquor control board enforcement officer. Proof of the briefing must be submitted with the trainer registration form.

~~((+3))~~ (5) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:

(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or

(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.

(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.

(d) Trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the liquor control board's mandatory alcohol server training program manager.

~~((+4))~~ (6) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all



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current trainers.

(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of a trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated ~~((their))~~ his/her employment.

(b) For the hiring of new trainers, the provider can either:

(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or

(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?** (1) The board's licensing and regulation division may ~~((process))~~ conduct a criminal history check on a person applying to be an alcohol server education trainer, using ~~((a))~~ the point system below ~~((to determine if the person qualifies))~~. ~~((The licensing and regulation division will not certify a trainer who accumulates eight or more points as indicated below:))~~ The application may be denied if the applicant's criminal history totals eight or more points:

<b>Description</b>	<b>Time period during which points will be assigned</b>	<b>Points the board will assign</b>
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction - involving alcohol	Three years	4 points
Misdemeanor conviction - not involving alcohol	Three years	3 points
Driving under the influence conviction	Three years	5 points
Reckless and/or negligent driving conviction - alcohol related	Three years	5 points
Reckless and/or negligent driving conviction - not alcohol related	Three years	4 points

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Hit and run, attended - conviction	Three years	5 points
Two to five failures to appear for court conviction	Three years	4 points
Six or more failures to appear for court conviction	Three years	8 points
Felony conviction	Five years	12 points
On parole from a felony	<del>((Five years))</del> n/a	8 points
Nondisclosure of <del>((arrests or convictions to))</del> <u>information requested by the board</u>	<del>((Any arrest or conviction since age eighteen))</del> n/a	4 points each, PLUS the points of the fact which was not disclosed
Misrepresentation of fact to the board	n/a	8 points, PLUS the points of the fact which was not disclosed

(2) ~~((If a case is))~~ For pending ~~((for an alleged conviction))~~ criminal charges that would ~~((earn))~~ score eight or more points in the event of conviction, the board's licensing and regulation division will hold the trainer's application ~~((for the))~~ pending disposition of the ~~((case))~~ matter. If the ~~((disposition))~~ matter is not ~~((settled))~~ resolved within ninety days, the board will withdraw the application.

(3) A ~~((P))~~ person ~~((s))~~ whose application ~~((s))~~ to become an alcohol server education trainer ~~((are))~~ is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-080 What are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits?** (1) Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully

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completes a Class 12 mixologist course will be issued a Class 13 server permit.

(2) Class 13 server permits may only be issued to persons eighteen years of age and older.

(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.

(4) If a provider or trainer issues a Class 12 mixologist permit in error to a person under twenty-one years of age, the provider or trainer must take the following steps:

(a) Contact the permit holder and notify him/her that ~~((they received the incorrect permit))~~ the permit was issued in error;

(b) ~~((Obtain))~~ Retrieve the original Class 12 mixologist permit from the permit holder; and

(c) Issue the correct Class 13 server permit (only after receiving the original Class 12 mixologist permit that was issued in error).

(d) Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:

(i) Provide the tear-off portion of the corrected Class 13 server permit to the board's licensing and regulation division; or

(ii) If unable to contact the permit holder and issue a corrected permit, the provider or trainer can provide the board's licensing and regulation division proof that a certified letter was sent to the trainee who received the Class 12 mixologist permit in error.

(5) If a provider or trainer issues a Class 13 servers permit in error to a person under eighteen years of age, the provider or trainer must take the following steps:

(a) Contact the permit holder and notify him/her that the permit was issued in error.

(b) Retrieve the original Class 13 server permit from the permit holder.

(i) If unable to contact the permit holder and retrieve the invalid permit, the provider or trainer must provide the board's licensing and regulation division proof that a certified letter was

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sent to the trainee informing the trainee the permit was issued in error and that serving liquor with the unauthorized permit may be cause for a criminal citation.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-085 What records does the provider or trainer need to provide to the board or keep on file?**

(1) A list of the individuals receiving the Class 12 or Class 13 permits must be forwarded to the board's licensing and regulation division within three calendar days of the completion of the class.

~~((1))~~ (2) Within thirty days of all training classes, the provider or trainer must give all class participants who successfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.

~~((2))~~ (3) The following information must be kept at the trainer's place of business, available for inspection and copying by board employees, for a period of five years:

(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and

(b) All course presentation information, including the location, date, and time of every class given, together with the name of the trainer and names of students that attended each class.

~~((3))~~ (4) The provider or trainer must provide the following information to the board or its designee upon request:

(a) Advance notice of any classes that have been prescheduled; and

(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

## **The following rule changes will go into effect September 25, 2004.**

**WAC 314-17-095 Is the provider responsible for the acts of its trainers?** The board may hold a provider responsible for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.

(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.

(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2//17/01)

**WAC 314-17-105 What are the penalties if a permit holder violates ((the)) a liquor law((s)) or rule?** (1) Penalties assessed for violations within a three-year period will normally be as follows:

<b>Violation Type</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>	<b>4th Violation</b>
AFTER HOURS: Selling, serving, or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC ((314-16-050)) <u>314-11-070</u> .	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit permit
DISORDERLY CONDUCT: Disorderly conduct by the licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC ((314-16-120)) <u>314-</u>	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

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<u>11-050.</u>				
FALSIFICATION OF PERMIT: Falsifying a Class 12 or Class 13 permit or possessing a Class 12 or Class 13 permit contrary to this title. See RCW 66.20.310(2) and WAC 314-17-025.	<u>5 day</u> <u>permit</u> <u>suspension</u> <u>OR \$100</u> <u>monetary</u> <u>option</u>	<u>10 day</u> <u>permit</u> <u>suspension</u> <u>OR \$200</u> <u>monetary</u> <u>option</u>	<u>30 day</u> <u>permit</u> <u>suspension</u> <u>OR \$400</u> <u>monetary</u> <u>option</u>	<u>revocation</u> <u>of permit</u>
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC (( <del>314-16-</del> <del>150</del> )) <u>314-11-035.</u>	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC (( <del>314-16-</del> <del>125</del> )) <u>314-11-050.</u>	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or rules.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

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MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC (( <del>314-16-150</del> )) <u>314-11-020(1)</u> .	5 day permit suspension OR \$200 monetary option	10 day permit suspension OR \$400 monetary option	30 day permit suspension OR \$600 monetary option	revocation of permit
MINORS: Allowing persons under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC (( <del>314-16-150</del> )) <u>314-11-020(2)</u> .	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, DUI, or felony.	5 day permit suspension OR \$100 monetary option	revocation of permit		
PERMIT: Failure to produce permit and/or ID upon request. See RCW 66.20.310(2) and (( <del>WAC 314-15-025</del> )) <u>RCW 66.20.180</u> .	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit

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PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$400 monetary option	revocation of permit
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